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December 14, 2020

VIA EMAIL

Honorable J. Paul Oetken  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square  
New York, NY 10007

*Re: United States v. Parnas, et al., 19 Cr. 725 (S1)(JPO)*

Dear Judge Oetken:

We represent Andrey Kukushkin in connection with the above referenced matter. We write on behalf of all defendants to follow up on the government's letter of earlier today and to put the defense's request for an October trial date into context.

The defense's proposed October trial date is not a matter of personal preference, but rather, a studied and informed view that a trial date any sooner is not practical. And, while an October trial date will result in no prejudice to the government, we submit that any earlier date will prejudice the defendants.

As explained to the government, and as reflected in the attached, medical professionals have indicated that a full roll out of the vaccine, such that a sufficient portion of the population have received it and developed herd immunity is not expected until late Fall 2021. Indeed, all indications are that the vaccine will not be readily available to the general population until the third quarter of 2021. What's more, vaccination will require two doses as much as four weeks apart. Therefore, even those individuals who are lucky enough to receive vaccinations in the third quarter may not be fully vaccinated until the latter part of the third quarter or early in the

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fourth quarter. As a result, we respectfully submit, that a “normal” constitutionally acceptable trial is not, as a practical matter, possible until October 2021.

While delay is not what anyone desires, the defendants object to a trial that does not provide for constitutionally mandated due process or a constitutionally acceptable cross section of jurors. Moreover, given our understanding of the current backlog of trials for defendants who are incarcerated, which takes preference, anything sooner does not appear to be realistic. Indeed, during the November 30, 2020, conference, the Court suggested October as a reasonable and acceptable trial date. We submit that to set a date just to set it makes no sense and will only serve to prejudice the defendants.

Accordingly, the defense respectfully requests that this matter not be scheduled for trial until October 2021. Thank you for your consideration.

Respectfully submitted,

/s Gerald B. Lefcourt  
Gerald B. Lefcourt

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Dear Members,

With the Pfizer vaccine projected to receive FDA approval on Saturday in the U.S., we felt it was an opportune moment to provide an update on Covid 19 vaccines, their efficacy and access to them.

Our medical team is closely monitoring all vaccination advancements. We are actively taking guidance from the Center for Disease Control and Prevention (CDC) and the Advisory Committee on Immunization Practices (ACIP), as well as collaborating with our specialist partners and leading hospitals

As always, Sollis will inform you on the latest updates as they occur

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### **What does the Pfizer EUA approval mean?**

This means the first Covid-19 vaccination has been deemed safe and effective. It will now be distributed by each state to the most vulnerable populations, starting with frontline workers and the elderly. Subsequently, the vaccine will be accessible to additional populations as outlined below.

### **How effective are these vaccines?**

The Pfizer vaccine demonstrated 95% efficacy in clinical trials, with Moderna showing 94% efficacy. Furthermore, a recent [FDA study](#) showed high levels of efficacy for the Pfizer vaccine even after just 10 days from the first dose (of two total). The FDA has found it to be efficacious in all population segments, which is especially important for the most at-risk, elderly and sick. This all bodes well for the other vaccines currently seeking approval.

### **When will the vaccine be available?**

Industry experts believe that the vaccine will be available to high risk groups in late 2020/early 2021 and then to the general population in mid-to-late 2021.

## WHEN CAN I GET A CORONAVIRUS VACCINE?

■ Winter 2020
 ■ Spring 2021
 ■ Summer 2021
 ■ Fall 2021

DATE RANGE	DISTRIBUTION
NOV - DEC 2020	First vaccines (Pfizer, Moderna) expected to submit for FDA Emergency Use Authorization. Approval could be granted within weeks.
DEC 2020 - JAN 2021	Approved vaccines start to go out to 3 priority groups: healthcare workers, frontline workers, and nursing home residents.
FEB/MAR - APR 2021	Vaccine distribution to the 3 groups above continues, and there will be added distribution for high risk individuals.*
MAY - JUN 2021	Vaccines become more widely available to young, healthy members of the general public.
JUL - AUG/SEP 2021	Most adults in the US who want a vaccine likely have access at this point. But, remember, many coronavirus vaccines require 2 shots to become fully effective. The vaccination process can take 3-4 weeks per person.
OCT/NOV - DEC 2021	Herd immunity through vaccination could be reached in the US, if 75% of people (or more) get their shots.

\*High risk: Cancer, chronic kidney disease, COPD (chronic obstructive pulmonary disease), heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies Immunocompromised state (weakened immune system) from solid organ transplant, obesity (body mass index [BMI] of 30 kg/m<sup>2</sup> or higher but < 40 kg/m<sup>2</sup>), severe Obesity (BMI ≥ 40 kg/m<sup>2</sup>), pregnancy, sickle cell disease, smoking, type 2 diabetes mellitus.

### How are vaccines distributed?

Once vaccinations are approved by the FDA, distribution is funneled through state governments and government contracts. It will be allocated based on a tiered system, the first of which will include high risk populations, including healthcare workers and nursing home patients. Sollis is working tirelessly to have the vaccine available for members through appropriate channels and will continue to update you on vaccine availability.

**I think I'm considered high risk. Will you be able to get the vaccine for me before the general population? If not, what should I do?**

You may call us at any time to discuss your medical history and any concerns you

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workers While we focus on obtaining the vaccine for our members, we advise that you also contact your primary care physician as his or her office may serve as an additional resource for obtaining the Covid 19 vaccine

### Who is considered an essential worker?

Our top priority remains distributing the vaccine to those at highest risk for severe Covid 19 illness or Covid 19 mortality Status as an essential worker will be evaluated on a case by case basis by Sollis Health As broadly defined by the federal government, essential industries include energy, child care, water and wastewater, agriculture and food production, critical retail, critical trades, financial services, exchanges, retail banking, media, transportation, nonprofits and social service organizations

### Do we know if the vaccine has side effects?

Trials by both Moderna and Pfizer will continue even after FDA authorization In previous studies, there were no severe adverse reactions noted with either vaccine Roughly half of trial participants experienced the kind of temporary mild symptoms one may experience after a flu vaccination, such as chills, body aches, fever or headache Longer term safety data is not known Popular press and media have reported cases of side effects of the vaccine, but these reports should be taken with a grain of salt until the data is properly analyzed by experts

### Which vaccination has the highest efficacy? What does that actually mean?

**Efficacy** means that in clinical study conditions, the vaccine reduces the risk of getting Covid 19 in someone who is vaccinated versus unvaccinated by the percent reported If the vaccine has 95% efficacy, then, in the study, it reduced the risk of Covid 19 in someone who was vaccinated by 95% **Effectiveness** refers to how well the vaccine reduces risk of Covid 19 in real world conditions Effectiveness isn't known until the vaccine has been used widely in the general population

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Below is a recent update of the different manufacturers racing to market, the efficacy, number of doses and dosage timing Please note that this is a dynamic situation and the information here is subject to change







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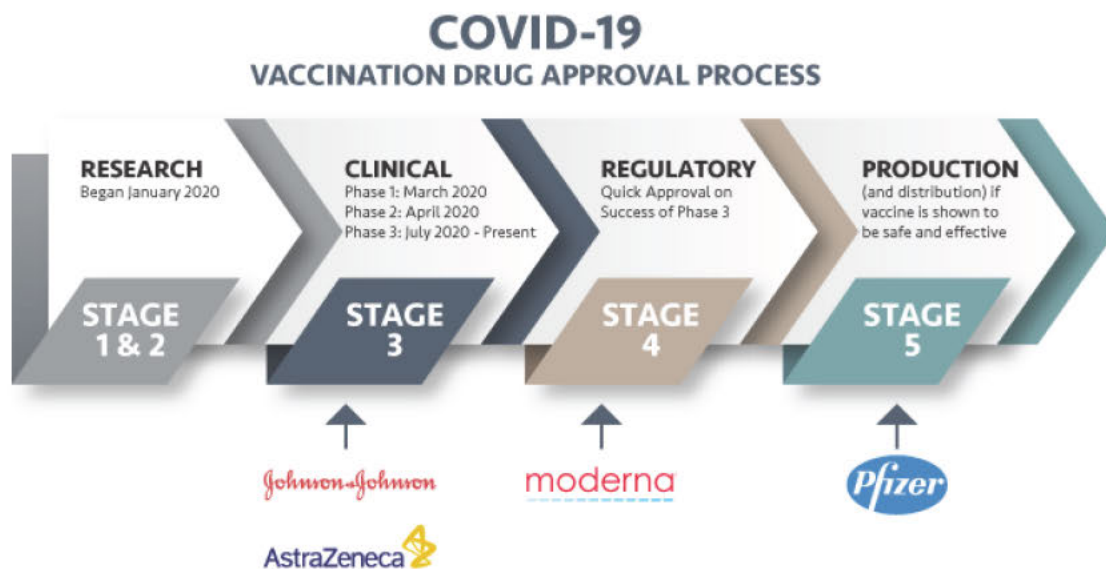
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## COVID-19 VACCINATIONS

MANUFACTURER	EFFICACY	NUMBER OF DOSES	DOSAGE TIMING
	95%	2	3 weeks apart
	94.1%	2	4 weeks apart
	70.4%*	2	TBC
	TBC	1 or 2	TBC

\*In the two different dose regimens vaccine efficacy was 90% in one and 62% in the other

The normal approval process for vaccinations can take 5 to 10 years. During a pandemic, the government approves an expedited approval process. Here is a recent chart outlining the approval process for each manufacturer.



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Warm Regards,  
Sollis Health

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